

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SAMSON TUG AND BARGE CO., INC., an
Alaska Corporation,

Plaintiff/Appellant

vs.

UNITED STATES OF AMERICA,

acting by and through

THE UNITED STATES DEPARTMENT OF
THE NAVY MILITARY SEALIFT COMMAND,
and UNITED STATES DEPARTMENT OF
THE ARMY MILITARY TRAFFIC
MANAGEMENT COMMAND,

Defendants/Appellees.

Case Number:
A03-006 CV Admiralty
JWS

DEPOSITION OF DOUGLAS C. ANDERSON

November 30, 2005

Seattle, Washington



Byers & Anderson, Inc.

Court Reporters/Video/Videoconferencing

One Union Square
600 University St.
Suite 2300
Seattle, WA 98101
(206) 340-1316
(800) 649-2034

2208 North 30th Street, Suite 202
Tacoma, WA 98403
(253) 627-6401
(253) 383-4884 Fax
scheduling@byersanderson.com
www.byersanderson.com

25th Anniversary 1980-2005

Exhibit "A"

1 correct, Captain?

2 CAPTAIN BUTLER: Yes.

3 MR. ROYCE: What is your role or rank or
4 position?

5 CAPTAIN BUTLER: My rank is captain. My
6 name is Patrick Butler, B-U-T-L-E-R. I work for the
7 U.S. Army litigation division which falls under the
8 U.S. Army legal services agency.

9 Q (By Mr. Royce) And present representing the
10 government is Counsel Jeanne Franken.

11 MS. FRANKEN: That's true.

12 Q (By Mr. Royce) All right. Could you state your full
13 name, please?

14 A My name is Douglas Carson Anderson.

15 Q What is your address, Mr. Anderson?

16 A My home address is 2594 Marsh Creek Drive,
17 Charleston, South Carolina, 29414.

18 Q And is that your business address as well or your
19 employment address?

20 A My employment address, I work for the surface
21 deployment and distribution command at 661 Sheppard
22 Place, Fort Eustis, Virginia.

23 Q What is the scope of the work performed by the SDDC?
24 It's surface deployment distribution command?

25 A It's an Army activity, Army major command that

1 handles the surface transportation and traffic
2 management of Department of Defense cargo movements
3 around the world.
4 Q What is included in surface transportation?
5 A It manages both ocean liner and inland services.
6 Q Would it also manage tug and barge marine
7 transportation?
8 A Right. When it's offered on a liner basis, the
9 military sealift command handles chartered ocean
10 services.
11 Q Is there a separate branch of the government that
12 handles air cargo movement?
13 A Yes, the air mobility command, and both the air
14 mobility command, SDDC, as well as the military
15 sealift command all work for the U.S. transportation
16 command.
17 Q Okay.
18 A And that's the joint overall management of
19 transportation within the Department of Defense.
20 Q Okay. What is your education, sir?
21 A I have a four-year college degree from Citadel.
22 Q And what was either a major or an emphasis of your
23 studies?
24 A Political science.
25 Q And when did you graduate?

1 A 1975.

2 Q Do you have military service?

3 A Yes, I did.

4 Q Could you describe your military service?

5 A I was an officer in the U.S. Army, in the armored
6 calvary, served various functions there, including
7 being a transportation officer for a squadron.

8 Q During what years?

9 A Between 1975 and 1979.

10 Q And you mentioned some transportation-related
11 responsibilities while you were serving in the Army?

12 A Yes. I was both-- it was a combat arms assignment
13 but within that period of time between 1975 and 1
14 I handled transportation for the squadron as well
15 maintenance as well as regular combat-type action

16 Q In a few sentences -- I don't want to go into det
17 -- please tell me what the responsibilities were
18 relating to transportation.

19 A I handled the organic transportation needs of the
20 squadron within an armored calvary regimen and
21 management vehicles, the maintenance of, the use of,
22 as well as coordination for other types of inland
23 movement, such as rail, truck movement of military
24 equipment as well as movement of passengers on buses,
25 those types of things.

1 surface deployment and distribution command.

2 I came from the Navy side working for the Navy
3 sealift command to the military traffic management
4 command.

5 Q With a change in the name from MTMC to SDDC, is there
6 any change in functions or responsibilities?

7 A I think the actual name change was based on trying to
8 increase its primary focus onto deployment and the
9 distribution.

10 I would say that essentially the command's focus
11 is similar to what it was before.

12 Q Okay.

13 A Probably a little clearer for people to understand
14 what they're focussed on.

15 Q All right. You said you've been deposed before, so
16 you've given some prior testimony.

17 Can you tell us in what cases you have given
18 testimony?

19 A I've given testimony in a contract regarding liner
20 transportation.

21 Q Do you know the name-- was that a--

22 A It was a case involving sea-land liner transportation
23 provided during the Gulf War.

24 Q And that's a case that was in what jurisdiction? Was
25 it a court of claims case? Was it U.S. District

1 have you provided testimony in any other contract
2 dispute?

3 A No.

4 Q And the sea-land case was tried?

5 A It was, in fact, tried.

6 Q And, as I understand it, your other testimony dealt
7 with personnel issues, employment issues?

8 A Yes.

9 Q I would like you to go back and tell me when you
10 first took employment for the government, and we're
11 not counting your military service.

12 I have asked you, in your history, of a time
13 period up to 1990.

14 What did you do after 1990?

15 A I was employed by the military sealift command.

16 Q And where were you employed?

17 A In Washington where the military sealift command's
18 headquarters is located.

19 Q Starting in 1990, what was your position with the
20 military sealift command?

21 A I was a marine transportation specialist and
22 subsequently a supervisory marine transportation
23 specialist.

24 Q When you went into-- can I properly call it a civil
25 service employment?

1 A I think so.

2 Q When you went into civil service employment, can you
3 recall what your rank or-- I guess your G level?

4 A I was hired as a GS 13.

5 Q And when were you promoted to a supervisor position?

6 A When I was promoted to GS 14 several years after
7 that.

8 Q So 1993, 1994, 1995, in that--

9 A No, I think it was a little sooner than that, but
10 maybe 1993. I would have to check the date.

11 Q On these sort of dates, please understand that I'm
12 trying to get a general idea.

13 I understand if we don't have complete specific
14 accuracy. It's not my purpose to get that.

15 A Right.

16 Q When you were promoted to a supervisor position, who
17 did you supervise?

18 A I supervised three to five people in the ocean liner
19 transportation contracting area for the military
20 sealift command.

21 Q You mentioned this kind of discrete group, ocean
22 liner transportation area.

23 What were the other areas within the military
24 sealift command?

25 A The military sealift command manages work for the

1 supervisor of this three- to five-member staff in
2 ocean liner transport.

3 Have you had other changes in your
4 responsibilities since that period?

5 In other words, have you been promoted and had
6 new responsibilities since 1993?

7 A Yes. I was promoted to program manager for what
8 basically was the liner or intermodal program at t
9 military sealift command to a GS 15. Subsequently
10 the Navy transferred the acquisition of liner
11 transportation over to the military traffic
12 management command.

13 Q Why was that transfer made?

14 A That transfer was made based on the government trying
15 to develop improvements in its process, and the
16 segregation between the military traffic command's
17 roles and the military sealift command's roles seemed
18 that they could be combined and you would be able to
19 gain some efficiencies and improvement.

20 I actually proposed the change.

21 Q All right.

22 A So an organization was created called a joint
23 management traffic office, and that organization was
24 really, as an interim, a combination of both Navy
25 employees and Army employees, and a decision was then

1 reached to transfer that function, that whole joint
2 traffic management office, to be an Army
3 organization.

4 Q Okay. Tell us what your job responsibilities were as
5 this GS 15 position program manager.

6 A As program manager for military sealift command, I
7 was responsible really for all of the liner
8 intermodal transportation to include the container
9 management portion of that work for the military
10 sealift command.

11 I was the deputy director for the joint traffic
12 management office, and subsequently then I moved from
13 military traffic management command over at northern
14 Virginia down to Fort Eustis as a senior civilian
15 operations person down at Fort Eustis as part of our
16 surface command down there.

17 Q Did that change result in an advancement in your
18 employment status?

19 A I applied for the position. It's a similar grade, GS
20 15 job, but it was located in Fort Eustis, more
21 involved directly in the operational work, and it was
22 closer for the commute home.

23 Q Okay. So what is your commute home?

24 A I am a geographic bachelor, so I live in Charleston,
25 South Carolina on the weekends, so seven and a half

1 A March of this year. I worked there for the for the
2 centcom deployment and distribution center, CDDOC.

3 Q Where were you posted in the Gulf region, if it's not
4 classified?

5 A Camp Arifjan in Kuwait.

6 While I was over there, I travelled around the
7 theatre.

8 Q To get information or to perform work?

9 A To observe issues on the ground and then to make
10 decision and policy based on whether, in fact, what
11 you believe is happening is currently happening on
12 the ground.

13 Q We've kind of been looking at what I would call some
14 trees here. I would like to get more of a forest
15 overview.

16 The forest overview, within the SDDC, what is
17 your role?

18 A Well, my permanent job currently is deputy director
19 for deployment operations.

20 That means that we are focussed on the movement
21 of units, equipment to deliver that force to the
22 theatre of operations that the U.S. government
23 desires for us to apply.

24 Q Are you the main operational man worldwide with that
25 responsibility?

1 A Yes.

2 Q I would like to learn these things before trial.

3 In that role, anywhere in the world that the
4 military has a need to move--

5 A To deploy or redeploy.

6 Q You would have some ultimate responsibility?

7 A Yes.

8 Q And supervise the people that did the work?

9 A I would have supervisory responsibility for the
10 people who are employed within the command directly
11 under my supervision, and I would tend to be
12 providing guidance to people, for commanders, in the
13 field for us.

14 Q And your supervisor is who?

15 A Currently under the detail it is Colonel Promotable
16 Hodge who will soon be pinned.

17 Prior to that, Colonel John Tatala who has now
18 been sent to Iraq, and we have a Navy captain, Jerry
19 Twigg who has recently come to the command, and they
20 sort of have them dual-hatted to both deployment
21 operations and the distribution side of it.

22 Q Mr. Anderson, to the extent that you can predict
23 these things, do you have knowledge as to whether you
24 will be called to do some work out of the country in
25 2006? Do you have any present knowledge?

1 transportation system, work performed by the AMC, the
2 MSC, the SDDC. Is that true?

3 A As MILSTAMP sets out, it obviously defines how the
4 government moves cargo within its system, and it
5 prescribes the specific areas of the defense
6 transportation system that the various component
7 commands, which are what the air mobility command,
8 SDDC, and the military sealift command are is
9 components of U.S. transportation command, and
10 details their specific functions as well as the
11 functions of the other participants within the
12 defense transportation system, those being the
13 shippers, the service activities who actually set the
14 priorities and the movement of the cargo itself.

15 Q So sort of the umbrella maybe called the defense
16 transportation system, the agencies that perform work
17 in the defense transportation system would include
18 the AMC, the SDDC, and the MSC?

19 A Right.

20 Q Any other agency level or--

21 A People who obviously utilize the defense
22 transportation system, such as defense logistics
23 agency, those folks, are bound by MILSTAMP, those
24 kinds of regulations, as the process is accomplished.

25 Q Let me ask you embarrassing questions about MILSTAMP.

1 Can you tell me what that is and what its
2 function is?

3 A It's military standard transportation and movement
4 procedures, and it really sets forth how the
5 government intends to move cargo in the defense
6 transportation system.

7 It talks about what modes, how to move cargo, how
8 to document it, how to properly account for it, and
9 also talks about how to code individual things, the
10 various types of items that certainly from a
11 commercial industry standpoint are less than one
12 document.

13 It's a little bit more consolidated, I would say,
14 in the government side of it than in the commercial
15 industry where various codes are different for
16 different countries, so it sets forth really how you
17 go about determining how to move it, what mode, what
18 your priorities are, obviously because the focus is
19 to accomplish what you need to get accomplished.

20 By doing that, you obviously set priorities for
21 the movements.

22 Q Do you know Diane Hensley?

23 A I do know Diane Hensley.

24 Q Who is Diane Hensley or what is her job?

25 A Diane Hensley was a military sealift command employee

1 done. That takes into account how the requirement is
2 structured, and obviously when a service requiring
3 activity comes up with what their requirements are,
4 you may have multiple customers at a particular
5 location or you may have a situation where there's a
6 single customer who really is responsible for all the
7 requirements that go to that particular area.

8 Those requirements are provided to the SDDC,
9 formally MTMC, in a fashion in which then it must be
10 revised into something that can be contracted for.

11 In other words, they might give you broad
12 requirements and you have to develop language that
13 would be able to get that requirement met--

14 Q Let us focus on the requirements stage for a moment.

15 Let's use terms that make it easy to understand.

16 With respect to Adak, who is the agency that's
17 developing the requirements?

18 A The Navy.

19 MS. FRANKEN: You are speaking in the
20 present verbal tense. I presume you are talking
21 about sometime in the past?

22 MR. ROYCE: I am.

23 MS. FRANKEN: Could we be clear about
24 that?

25 Q (By Mr. Royce) I should ask you, Mr. Anderson: When

1 did you first have responsibilities for either
2 procurement or administration of contracts for marine
3 transportation to and from Adak?

4 A In the early '90s. I was a participant, I would say,
5 probably in 1993 or 1994. In 1994 I would have been
6 probably primarily responsible before I worked on
7 some of those arrangements but had not been in charge
8 of it.

9 Q In 1993, 1994 were your responsibilities those of a
10 procurement or procuring contracting officer or
11 administrative contracting officer?

12 A Well, all the procuring work was done by the military
13 sealift command, and I was employed by military
14 sealift command.

15 The contract administration work was really being
16 done by military traffic management command.

17 Q So in 1993, 1994, you had experience and
18 responsibilities, respecting the support of the naval
19 air station Adak, to procure transportation--

20 A In that area, yes.

21 Q So focusing on that time period in 1993, 1994, what
22 are the steps of assembling these requirements? What
23 does the Navy do? What paperwork is created in
24 assembling these requirements?

25 MS. FRANKEN: I am going to object.

1 There may be a lack of foundation as to what the Navy
2 did specifically.

3 Q (By Mr. Royce) As the requirements-- let me lay a
4 foundation.

5 In 1993, 1994 you were with the Navy sealift
6 command?

7 A Yes.

8 Q And you had some responsibilities to support the Navy
9 at Adak with transportation?

10 A For ocean transportation.

11 Q And I take it you participated in obtaining contracts
12 for ocean transportation services for the benefit of
13 the Navy in 1993, 1994?

14 A Yes, certainly by 1994 and I think some of 1993.

15 Q And in obtaining those contracts, as I unit, the
16 starting point is you need to know what the
17 requirements of the Navy are?

18 A Right, of the activity that is-- who you are going to
19 provide a service to.

20 MR. ROYCE: Let's take a break.

21 (Recess 11:44 to 11:45 a.m.)

22

23 Q (By Mr. Royce) With respect to the Adak marine
24 transportation needs in 1993, 1994, who was the
25 customer?

1 would have been discussed with the air folks, which
2 would have been air mobility command.

3 Q And at the MSC, you don't get the air requirements?

4 A No. We don't provide that transportation.

5 That's really in accordance with MILSTAMP, the
6 way that the work is broken out and also the way the
7 requiring activity is decided on priority lift
8 issues, where they need expedited transportation,
9 those kinds of things, as opposed to standard surface
10 transportation.

11 Q Does MILSTAMP contain information regarding proper
12 use of air transportation versus marine
13 transportation?

14 A Yes, it provides some guidelines on how to determine.

15 Q Do you, off the top of your head, know where we could
16 easily find those?

17 Do you have a section number or something that
18 could help us--

19 A MILSTAMP back then would have been-- it's in the
20 front part of it. I want to say maybe Section 2B or
21 something in that area.

22 It's fairly straightforward. You can look in the
23 index and follow up, here is what people have to do
24 with what work they do, and secondly, here is how as
25 a requiring activity you decide what kind of modes

1 you are going to use, and then obviously then the
2 issue of the recipient setting required delivery
3 dates and obviously the activity deciding what kind
4 of cargo is a priority and what cargo-- if it
5 normally would go by surface but here are some
6 conditions that would allow you to move it by air if
7 it's going to impact your operation readiness and
8 those kinds of things.

9 Q What are the considerations that would argue for
10 using air versus marine transportation?

11 A Certainly there might be the parameters of the
12 service and the speed in which the cargo needs to be
13 delivered. In other words, what is the requirement
14 from the time it's available to the time it's
15 required for delivery?

16 There would be certain types of cargo that might
17 not be more susceptible to move by one mode versus
18 another.

19 Something that might be exceedingly heavy might
20 not be possible to move by air.

21 Something that's very perishable wouldn't be very
22 suitable to move in a surface transportation mode
23 that took too long for, say, the shelf life of the
24 product.

25 Passengers, as a general rule, do better in a

1 plane in a controlled environment than on the open
2 deck of a barge, so there would be the normal kind of
3 flow of how you're going to do things.

4 From a cargo standpoint, certainly you could have
5 a part that's susceptible to move by surface
6 transportation, but because it's available late from
7 a vendor, it's needed at the other end immediately
8 and the surface transportation that's available won't
9 meet that requirement.

10 Q I'm familiar with contractors chartering an aircraft
11 to bring in a helicopter order, for instance, because
12 it's needed immediately, so that would be an example
13 of--

14 A But we did move helicopters and parts for helicopters
15 by both surface transportation and air.

16 In fact, we have, as a critical piece for us, big
17 helicopters. That's what requires decks with-- ships
18 that have decks with high decks and so on so we can
19 get big helicopters on it.

20 Q Sort of going down the considerations for air versus
21 surface, marine, one of the factors that might argue
22 for air transportation is if there's a required
23 delivery date that would not be met by the surface
24 transportation?

25 A The requester could say, "I need this urgently now."

1 It's not available when it was supposed to be
2 available" or it was always going to come off the
3 product line late. It may be the characteristics of
4 the cargo can't stand to be moved by the surface
5 transportation, it would be those kind of issues.

6 Q Give me an example of cargo characteristics that
7 would not tolerate surface transportation.

8 A As I said, the perishable products.

9 A lot of times you can carry frozen cargo for an
10 extended period without impacting the shelf life,
11 even if the surface transportation were slower;
12 whereas if you had fresh fruits and vegetables,
13 obviously they deteriorate over time, and therefore
14 you would depend on the kind of surface
15 transportation you have.

16 If you have a very short distance, the surface
17 transportation impact on shelf life might be very
18 minimal where as if you have a long--

19 Q You have been out to Adak?

20 A I have not been to Adak myself.

21 Q You are familiar geographically with where Adak is
22 located?

23 A Yes, it's a remote location.

24 Q And to sort of hone in on these examples, let's use
25 Adak.